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May 28, 2009

To: Teresa J. Walberg, Primary Examiner, Group Art Unit 3744

From: Leonard P. Miller, Patent Attorney, Registration No. 26,004  
Telephone No. (512) 847-3060

Subject: Application No. 10/566.907, Proposed Amendments to Claims 1 and 6.

Thank you for the courteous telephone interview yesterday regarding the subject application. Further to our discussion, attached for your consideration are some proposed amendments to independent claims 1 and 6, which point out some of differences between the present invention and the process gas cooler disclosed in Richter (US 3,915,224). The upstream tubular parts (3 in Richter) are arranged vertically, while the upstream tubular part in Applicant's apparatus and process is arranged horizontally in the horizontal duct. In addition, the tube sheet (the curved bottom wall of process cooler 1 in Richter to which tubes 3 are attached) has a general horizontal orientation, while the tube sheet (2a) in Applicant's apparatus is arranged vertically.

I have also proposed some amendments to overcome the lack of antecedent basis objection to "the front". As you pointed out, the cooling medium cools the entire tube sheet, although one side of the tube sheet is exposed to the hot gases, while the other side is exposed to the mixture of fresh and extracted cooling medium. Therefore, there is no need to recite in the claim which side of the tube sheet is "the front". It is only necessary that "a side" of the tube sheet be exposed to the cooling medium and that the tube sheet is cooled.

I will call you later today to discuss these proposed amendments with you. If it appears the amendments will avoid the necessity for an appeal, I will file the amendments with and RCE.

Thank you for time and consideration.

Len Miller

Attachment: Proposed Amendments to Claims 1 and 6